

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 9-20 are cancelled, claims 1-8 and 21-36 remain in this application as amended herein, and claims 37-48 are added. Accordingly, claims 1-8 and 21-48 are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-3, 5-7, 21-23, 25-27, 29-31, and 33-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Menez (U.S. Patent Application Publication No. 2003/0115606) in view Sakamoto (Japanese Publication No. JP 09-162821). Applicant submits that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 1, 5, 21, 25, 29, and 33 have been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found at, e.g., in Figs. 13-14 and 23-24 and pages 29-33 and 40-42 of the specification.

As amended herein, claim 1 recites:

a combining unit that combines the program content and the trigger content and transmits the combined content over the first broadcast channel so that the receiver receives the combined content transmitted over the first broadcast channel, and when the trigger content is triggered by a user while the receiver is receiving the program content on the first broadcast channel, switches from receiving over the first broadcast channel to receiving over the second broadcast channel in response to the triggering of the trigger content and receives the transaction content provided by the transaction content providing apparatus over the second broadcast channel, and when end of viewing of the transaction content is inputted, switches from receiving over the second broadcast channel to receiving over the first broadcast channel and again receives the program contents.

(Emphasis added.) Neither the relied on sections of Menez nor the relied on sections of Sakamoto disclose or suggest switching from receiving over a first broadcast channel to receiving over a second broadcast channel in response to triggering of trigger content. Moreover, neither the relied on sections of Menez nor the relied on sections of Sakamoto disclose or suggest switching from receiving over a first broadcast channel to receiving over a second broadcast channel in response to triggering of trigger content and receiving transaction content provided over the second broadcast channel.

Rather, such sections of Menez merely describe connecting to a server in response to a consumer selection of a program identifier (see ¶ [0019]) and such sections of Sakamoto merely describe changing from receiving a viewed program to receiving a designated program in response to user designation of the title of the designated program (see Abstract). Neither the relied on sections of Menez nor the relied on sections of Sakamoto disclose or suggest switching from receiving over a first broadcast channel to receiving over a second broadcast channel in response to triggering of trigger content.

It follows, for at least these reasons, that neither the relied on sections of Menez nor the relied on sections of Sakamoto, whether taken alone or in combination, disclose or suggest the system set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on references.

Independent claims 5, 21, 25, 29, and 33 each call for features similar to those set out in the above excerpts of claim 1 and are therefore each patentably distinct and unobvious over the relied on sections of Menez and Sakamoto at least for the same reasons.

Claims 2-3 depend from claim 1, claims 6-7 depend from claim 5, claims 22-23 depend from claim 21, claims 26-27 depend from claim 25, claims 30-31 depend from claim 29, and

claims 34-35 depend from claim 33. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as the claim from which it depends.

Further regarding claims 3, 7, 23, 27, 31, and 35, neither the relied on sections of Menez nor the relied on sections of Sakamoto, whether taken alone or in combination, disclose or suggest receiving, as transaction content, content for causing a viewer viewing program content to input a response to a questionnaire.

Claims 4, 8, 24, 28, 32, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Menez in view of Sakamoto and further in view of Rao (International Publication No. WO 98/28869). Applicant submits that the claims are patentably distinguishable over the relied on sections of the references.

Claim 4 depends from claim 1, claim 8 depends from claim 5, claim 24 depends from claim 21, claim 24 depends from claim 21, claim 28 depends from claim 25, claim 32 depends from claim 29, and claim 36 depends from claim 33. Therefore, each of the claims is distinguishable over the relied-on sections of Menez and Sakamoto for at least the same reasons.

The relied-on sections of Rao do not overcome the deficiencies of the relied-on sections of Menez and Sakamoto.

Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 103(a).

New claims 37-38 depend from claim 1, new claims 39-40 depend from claim 5, new claims 41-42 depend from claim 21, new claims 43-44 depend from claim 25, new claims 45-46 depend from claim 29, and new claims 47-48 depend from claim 33. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons. Support for new claims 37, 39, 41, 43, 45, and 47 is found at, e.g., Fig. 15 and page 31 of the specification. New claims 38, 40, 42, 44, 46, and 48 recite

features previously called for in claims 3, 7, 23, 27, 31, and 35, respectively, and are similarly supported.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 12, 2009

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